

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
LTC CONSULTING)	FOIA Control Nos. 21-215, 21-216, and
)	21-217
On Requests for Inspection of Records)	

MEMORANDUM OPINION AND ORDER

Adopted: January 24, 2002

Released: January 29, 2002

By the Commission:

1. The Commission has before it an application for review¹ filed by Thomas Allibone of LTC Consulting (LTC) seeking review of the decisions of the Common Carrier Bureau (the Bureau) granting in part his Freedom of Information Act (FOIA) requests and otherwise finding no records responsive to this requests.² These FOIA requests seek precisely the same information sought by LTC previously,³ except that in its prior request LTC sought records concerning Verizon New Jersey, and in these three FOIA requests, LTC sought records concerning Verizon Pennsylvania, Verizon Massachusetts, and Verizon New York.⁴

2. The Bureau provided the information requested by LTC.⁵ LTC then filed its application for review. The application for review was virtually verbatim the application for review it had filed in FOIA Control No. 21-111.⁶ Subsequently, the Commission issued its decision denying LTC's application for review in FOIA Control No. 21-111. LTC was informed of the Commission's decision, and asked whether in light of the decision it wished to pursue its application for review in this consolidated proceeding. LTC responded that its new application for review remained "intact" despite the decision in LTC Consulting.⁷ It also asked the Commission to take action against Verizon for alleged violations of FCC record retention rules, 47 C.F.R. Part 42.⁸

¹ Electronic mail from Thomas Allibone, LTC Consulting, to Office of General Counsel (received September 10, 2001) (App. for Rev.).

² Letter from Joseph T. Hall, Assistant Bureau Chief, Management, Common Carrier Bureau (Aug. 9, 2001) (Bureau Decision).

³ See LTC Consulting, Memorandum Opinion and Order, FOIA Control No. 21-111, FCC 01-253 (rel. Sept. 13, 2001), at ¶3 (describing records sought).

⁴ See three letters from Thomas Allibone, LTC Consulting to Kenneth P. Moran, Chief, Accounting Safeguards Division, Common Carrier Bureau (July 5, 2001) (designated FOIA Control Nos. 21-215, 21-216, and 21-217).

⁵ Bureau Decision.

⁶ Compare App. for Rev. in FOIA Control Nos. 21-215, 21-216, and 21-217 (supra n.1) with App. for Rev. in FOIA Control No. 21-211 (see LTC Consulting at 1-2 and n.7).

⁷ E-mail from Thomas Allibone, LTC Consulting, to Laurence Schecker, Office of General Counsel (Sept. 22, 2001). See also e-mail from Thomas Allibone, LTC Consulting, to Laurence Schecker, Office of General Counsel (Sept. 25, 2001).

⁸ Id.

3. For the reasons stated in LTC Consulting, LTC's application for review is denied. In addition, we are construing LTC's e-mails containing complaints concerning Verizon as informal complaints, and directing the Consumer Information Bureau to process them accordingly.⁹ In the future, however, LTC should adhere to the proper procedures for filing complaints.¹⁰

4. IT IS ORDERED that LTC Consulting's application for review IS DENIED. LTC Consulting may seek judicial review pursuant to 5 U.S.C. § 552(a)(4)(B).

5. The officials responsible for this action are the following Commissioners: Chairman Powell, Commissioners Abernathy, Copps, and Martin.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

⁹ See LTC Consulting at 2 n.13.

¹⁰ See 47 C.F.R. §§ 1.716-1.719 (informal complaints); 47 C.F.R. §§ 1.720-1.736 (formal complaints).